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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,817	04/26/2002	Helmut Gross	QUE04 P-309	8141

277 7590 03/04/2004

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EXAMINER

ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/04/2004 *U*

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/031,817

Applicant(s)

GROSS ET AL.

Examiner

Ghassem Alie

Art Unit

3724

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 16-24 and 26-28.

Claim(s) rejected: 15 and 25.

Claim(s) withdrawn from consideration: _____

ally
Allan N. Shoap
Supervisory Patent Examiner
Group 3700

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: Claim 29 was added without cancellation of any previously rejected and objected claims.

Continuation of 5. NOTE: Regarding claims 15 and 25, applicant's arguments that Maschinot's die-cutting blade is not adjustable relative to the frame 30 and Machinot's receiving apparatus 20 does not receive and retain the frame 30 are not persuasive. The chuck jaws 30 which is located on the both sides of the die-cutting blade also include the guides 29 which hold the chuck jaws 30. The chuck jaws 30 cannot be extended without the support of the guides 29. The guides 29 of the chuck jaws 30 are stationary relative to the lateral movement of the die-cutter blade. Therefore, the die-cutting blade also is adjustable relative to the guides 29 of the frame 30, since the guides are stationary with respect to the die-cutting blade. See col. 2, lines 22-55 in Machinot.

The frame 30 is disposed inside its guide 29 and guide 29 is secured to underside of the receiving apparatus 20. Therefore, the frame 30 is part of the receiving apparatus 20 and it is received and retained by the receiving apparatus 20. The receiving apparatus is adjustably mounted to the punch platen 17, because its lifted or lowered by the screw 20. In addition, rotary adjustment of the receiving apparatus 20 is accomplished by means of a screw 25. See Fig. 4 and col. 2, lines 12-54 in Maschinot.

The last Office action was made final because it was done after the non-final Office action. The claims simply could not be examined in the non-final Office action, because it was impossible for the Examiner to understand the claimed invention due to the many changes to the specification which were presented in a non-unified manner. The specification was confusing and it was impossible to follow. Essentially, applicant's revision of the disclosure made the claims understandable for the Examiner to properly act upon. Thus, applicant's response (or amendment) necessitated the action by the Examiner and this action could properly be made final.